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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Daryl Hamilton

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EXAMINER

AMSDOLL, DANA

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

08/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,574

Applicant(s)

HAMILTON, DARYL

Examiner

DANA AMSDELL

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 5/6/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. Amendments to claims 6, 12, and 18, and the addition of new claims 19 and 20 is acknowledged. Claims 1-20 are examined within on the merits.

Response to Remarks

2. Claim Rejections -35 USC §103

With respect to the rejection(s) of claim(s) 1-18 under 35 USC §103, Applicant's arguments (see REMARKS filed 5/6/2009) reciting:

Applicant respectfully submits that the information provided on Sansone's label 29 and tag 32 fails to correspond to an enhanced label as recited in independent claims 1, 7 and 13. Applicant respectfully submits that the Examiner's assertion indicates an apparent misinterpretation of Sansone and/or the claims of the present application. The notion that label 29 or tag 32 discloses an enhanced label is inaccurate because none of the information provided on label 29 or tag 32 corresponds to a label unique identifier, which is included in the enhanced label of claims 1, 7, and 13.

Instead, as described above, Sansone's label 29 and tag 32 recite different types of information, none of which result in at least a unique label identifier. Those types of information are representative of typical characteristics--destination, origination, physical properties, the mailer, and the like--of the tray, none of which serve to uniquely distinguish the tray, hence the label, from other trays and labels. Applicant respectfully submits that the information displayed on either of label 29 or tag 32 is the type of information that can be found on any other tray matching those characteristics. For instance, multiple trays in the same container may share all of the characteristics identified in label 29 or tag 32.

have been fully considered but they are not persuasive. Specifically, Applicant argues that Examiner has misinterpreted Sansone and/or the claims of the present invention.

However, Examiner respectfully asserts that this is not the case. Rather than a *misinterpretation*, Examiner's assertions reflect the requisite *broad interpretation* for determining patentability. Regarding Applicant's submission that the type of information is not *globally* unique, Examiner asserts that the claim fails to recite this limitation. Sansone teaches the one time printing of a label and/or tag "for a particular run of mail" and the information pertaining to this "particular" run is encoded as an alphanumeric bar code (column 4, lines 40-45). Broadly interpreted, this teaches the recited claim element "label unique identifier"

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 -20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radican (US 6148291), here-in-after "Radican", in view of Sansone (US 5216620), here-in-after "Sansone".

5. Regarding claims 1,7 and 13 being to a method, system and computer readable medium (column 4, lines 37-43), directed to tracking a tray of items, Radican teaches the receipt of a load container scan, the load container scan associating the container

unique identifier with 'hard copy reports' (Fig. 3 - 'Status', and column 7, lines 42-44).

Radican also discloses load content and status 'labels' with the monitoring system (column 13, lines 18-30), without actually specifying affixed labels; and he does disclose an embodiment utilizing "enhanced" label technology for tray application.

Sansone, however, does teach directly to a generated enhanced label (Fig. 1, elm. 22), the enhanced label comprising a routing code, the enhanced label being applied to the tray; associating a tray with a container, the container having a container unique identifier (Fig. 2b, column 1, lines 37-59; and column 4, lines 30-40). One of ordinary skill in the art at the time of invention would find it obvious to modify the teachings of Radican by Sansone's disclosure of mail transit logistics (enabled by an enhanced label/tray system and method), as they overlap in providing a technology retro-fitted solution to problematic logistics; and as to achieve the highly desirable outcome of "the amount of effort can be reduced"; (see Sansone- Background).

4. Regarding claims 2, 3, 8, 9, 14 and 15, Radican and Sansone, teach the claim dependencies, and Radican further teaches receiving a load vehicle scan, the load vehicle scan associating the container unique identifier with a vehicle identifier and a load and unload time (Fig.1, elm. V, Fig. 3- association between 'Status' and 'Time', and column 8, lines 45-55).

5. Regarding claims 4, 10, and 16, Radican and Sansone, teach the claim dependencies, and Radican further teaches receiving an unload container scan, the

unload container scan associating the container unique identifier with an unload container time (Fig. 1, elm. C; and column 4, lines 60-67).

6. Regarding claims 5, 11, 17, 19 and 20, Radican and Sansone, teach the claim dependencies, and Sansone further teaches wherein the label unique identifier comprises at least one of a machine identifier, a label source, a holdout identifier, a serial number, and a label type (Fig 2b and column 4, lines 30-42 (label type being alpha-numeric barcode)); wherein the label type comprises a constant field (Fig. 2B, elm. 57-contract ID), a key field (Fig. 2B, elm. 52 –Zip code as defined by Applicant's Specifications as a "key" field) and a variable field (Fig. 2B, elm. 66 – weight).

7. Regarding claim 6, 12 and 18, Radican and Sansone, teach the claim dependencies, and Sansone further teaches wherein the routing code comprises at least one of a destination code, a content identifier number, a DOD code, and an MPC code (Fig. 2a - first 5 numbers of barcode being the destination code represented by the ZIP code).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANA AMSDELL whose telephone number is (571)270-5210. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627